Case: 4:05-cv-00772-SNLJ Doc. #: 90 Filed: 02/27/07 Page: 1 of 3 PageID #: 940

## IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

ADAM APPEL, et al.,	)
Plaintiffs,	)
v.	) No. 4:05CV00772SNL
THE CITY OF ST. LOUIS, et al.,	)
Defendants.	) ) )

## MOTION TO QUASH THE DEPOSITION NOTICE OF MAYOR FRANCIS SLAY AND REQUEST FOR RECONSIDERATION OF THE DENIAL OF MOTION TO DISMISS

COMES NOW Mayor Francis Slay, by and through counsel, moves this Court to quash the deposition notice sent by plaintiffs to Mayor Slay. In addition, Mayor Slay respectfully asks the Court to reconsider his motion to dismiss. As further support for this Motion, Mayor Slay incorporates by reference his Memorandum of Law filed simultaneously herewith.

WHEREFORE, Mayor Slay hereby prays for an order dismissing him from the plaintiffs' complaint or, in the alternative, an order quashing the plaintiffs' notice of deposition to him.

Respectfully submitted,

JEREMIAH W. (JAY) NIXON Attorney General

/s/ Denise L. Thomas

Denise L. Thomas, #4538 Assistant Attorney General

Christopher Carenza, #\_\_\_\_\_\_Assistant Attorney General

Old Post Office 815 Olive Street St. Louis, MO 63101 Telephone: (314) 340-7861

Facsimile: (314) 340-7861 (314) 340-7029

ATTORNEYS FOR DEFENDANTS BOARD OF POLICE COMMISSIONERS, CHIEF MOKWA, BLANSITT, SEEBER, ENGLEHARDT, CERIOTTI, BOCKSTRUCK, AND HALL

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served up the following parties via this Court's electronic filing system this \_27th day of February, 2007:

Rory Ellinger Kenneth Blumenthal Ellinger & Associates, P.C. 797 W. Terra Lane O'Fallon, MO 63366

Gary R. Sarachan Sheila Greenbaum Capes and Sokol 7701 Forsyth Boulevard Fourth Floor, Suite 400 William Quick, Esq. 7751 Carondelet, Suite 403 Clayton, MO 63105

Anthony E. Rothert James G Felakos, Jr. ACLU of Eastern Missouri 4557 Laclede Avenue St. Louis, MO 63108 Case: 4:05-cv-00772-SNLJ Doc. #: 90 Filed: 02/27/07 Page: 3 of 3 PageID #: 942

St. Louis, MO 63105

Carl W. Yates, III Associate City Counselor City Counselor's Office 1200 Market City Hall - Room 314 St. Louis, MO 63103

/s/ Denise L. Thomas

Assistant Attorney General